

REMARKS

Claims 1, 17, and 32 are amended. Claims 1-33 are pending in the application. The amendments to the claims as indicated herein do not add any new matter to this application.

SUMMARY OF THE OBJECTIONS/REJECTIONS

Claim 17 was objected to for having an extra word “and” after the period.

Claims 1-33 were rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,185,619 to Joffe et al. (“Joffe”).

OBJECTION TO CLAIM 17

Claim 17 has been amended to remove the extra word “and” after the period. Withdrawal of the objection to Claim 17 is respectfully requested.

THE REJECTIONS BASED ON THE PRIOR ART

The rejection of Claims 1-33 is traversed at least for the reasons discussed below.

Claims 8-16, 23, and 33

Claim 8 recites, *inter alia*, (a) “identifying a plurality of domains in the network,” (b) “identifying a first domain . . . having a cloudification characteristic,” and (c) “characterizing at least a first communication path . . . as being a distance.” The portions of Joffe cited by the Office Action as disclosing these features do not actually disclose these features.

The specification of the present application defines a “domain” as “a logical portion of a network having one or more network elements.” The Office Action alleges that Joffe discloses “identifying a plurality of domains in the network” in col. 9, lines 27-59.

This passage generally discusses the organization of the network shown in Joffe's Fig. 2A. Indeed, the network shown might very well comprise a plurality of domains. However, there is no teaching or suggestion in this passage about **identifying** such domains. The mere illustration of a plurality of domains within a figure does not imply that some entity identifies that plurality of domains. Thus, the identifying step is not disclosed.

The specification of the present application defines a "cloudification characteristic" as "a characteristic of the domain that allows for the domain to be represented as a cloud, without information loss." The Office Action alleges that Joffe discloses "identifying a first domain . . . having a cloudification characteristic" beginning at col. 9, line 60, and ending at col. 10, line 33.

This passage generally discusses front-end servers and content servers that are located in the network shown in Joffe's Fig. 2A. However, even if this passage discloses the existence of a "domain," there is no mention in this passage of **identifying** such a domain. Once again, the mere illustration of a domain within a figure does not necessarily imply that some entity identifies that domain.

Moreover, it is not just any "domain" that must be identified, according to Claim 8. More specifically, Claim 8 requires "identifying a first domain . . . **having a cloudification characteristic.**" The cited passage of Joffe does not teach or suggest identifying a domain that has any particular characteristic whatsoever, much less a **cloudification** characteristic—a characteristic that allows the domain to be represented as a cloud, without information loss.

The Office Action alleges that Joffe discloses "characterizing at least a first communication path . . . as being a distance" beginning at col. 9, line 34, and ending at col. 10, line 22.

This passage is encompassed within the passages already discussed above. Applicant finds absolutely no discussion, within this passage, of characterizing a communication path as

being a distance. The Office Action alludes to “determining the eco path communication between servers,” but there does not seem to be any discussion in the cited passage about what an “eco path” is, or whether it is characterized as being a distance.

In short, the cited portions of Joffe seem to say nothing about identifying a domain or characterizing a communication path. Thus, there are multiple features of Claim 8 that the cited portions of Joffe fail to disclose. For at least the reasons discussed above, it is respectfully submitted that Claim 8 is patentable over Joffe.

Claims 9-16 and 23 depend from Claim 8 and therefore include the features of Claim 8 that are distinguished from Joffe above. Therefore, for at least the reasons discussed above with relation to Claim 8, it is respectfully submitted that Claims 9-16 and 23 are patentable over Joffe.

Claim 33 recites a processor that is configured to perform the method of Claim 8. Therefore, for at least the reasons discussed above with relation to Claim 8, it is respectfully submitted that Claim 33 is patentable over Joffe.

Claims 17-22

Claim 17 recites, *inter alia*, “identifying a plurality of domains in the network” and “identifying a plurality of cloudified domains from the plurality of domains.”

The Office Action alleges that Joffe discloses “identifying a plurality of domains in the network” in col. 9, lines 27-59. As discussed above, this passage generally discusses the organization of the network shown in Joffe’s Fig. 2A, which may illustrate domains, but there is no teaching or suggestion in this passage about **identifying** such domains.

The Office Action alleges that Joffe discloses “identifying a plurality of cloudified domains from the plurality of domains” beginning at col. 9, line 27, and ending at col. 10, line 9.

This passage does not seem to say anything about identifying a plurality of domains (cloudified or not) from another plurality of domains that was previously identified.

Thus, the cited portions of Joffe seem to say nothing about either (a) identifying a plurality of domains or (b) identifying a plurality of cloudified domains within that plurality of domains. Thus, there are multiple features of Claim 17 that the cited portions of Joffe fail to disclose. For at least the reasons discussed above, it is respectfully submitted that Claim 17 is patentable over Joffe.

Claims 18-22 depend from Claim 17 and therefore include the features of Claim 17 that are distinguished from Joffe above. Therefore, for at least the reasons discussed above with relation to Claim 17, it is respectfully submitted that Claims 18-22 are patentable over Joffe.

Claims 24-31

Like Claim 17, Claim 24 recites, *inter alia*, “identifying a plurality of domains in the network” and “identifying a plurality of cloudified domains from the plurality of domains.”

As discussed above with regard to Claim 17, the cited portions of Joffe fail to disclose these features.

Thus, there are multiple features of Claim 24 that the cited portions of Joffe fail to disclose. For at least the reasons discussed above, it is respectfully submitted that Claim 17 is patentable over Joffe.

Claims 25-27 depend from Claim 24 and therefore include the features of Claim 24 that are distinguished from Joffe above. Therefore, for at least the reasons discussed above with relation to Claim 24, it is respectfully submitted that Claims 25-27 are patentable over Joffe.

Claim 28 recites a computer-readable medium that carries instructions for performing the method of Claim 24. Therefore, for at least the reasons discussed above with relation to Claim 24, it is respectfully submitted that Claim 28 is patentable over Joffe.

Claims 29-31 depend from Claim 28 and therefore include the features of Claim 28 that are distinguished from Joffe above. Therefore, for at least the reasons discussed above with relation to Claim 28, it is respectfully submitted that Claims 29-31 are patentable over Joffe.

Claims 1-7 and 32

Claim 1, as amended, recites, *inter alia*, “determining one or more management components in the network” and “determining two or more domains, each of which (a) is bounded, in the network, by one or more of the management components and (b) does not contain any management components.”

Joffe does not disclose determining management components or determining domains that have the recited qualities. Indeed, the Office Action does not even allege that Joffe discloses these features. As discussed above, Joffe illustrates a network generally, but does not disclose, teach, or suggest the “determining” actions recited in Claim 1.

Thus, there are multiple features of Claim 1 that Joffe does not appear to disclose. For at least the reasons discussed above, it is respectfully submitted that Claim 1 is patentable over Joffe.

Claims 2-7 depend from Claim 1 and therefore include the features of Claim 1 that are distinguished from Joffe above. Therefore, for at least the reasons discussed above with relation to Claim 1, it is respectfully submitted that Claims 2-7 are patentable over Joffe.

Claim 32 recites a computer system that comprises means for performing the method of Claim 1, as amended. Therefore, for at least the reasons discussed above with relation to Claim 1, it is respectfully submitted that Claim 32 is patentable over Joffe.

CONCLUSION

It is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

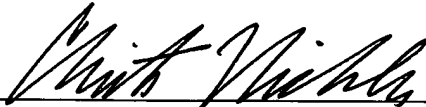
The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to charge any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

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Dated: February 25, 2005


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on February 25, 2005

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